

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
SAFETY AWARENESS BOARD
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

WEDNESDAY, FEBRUARY 14, 2007

In attendance: Joseph Sabitoni, Chairperson

Eric Anderson

Wayne Coulombe

James Jackson

Bernard Trembl

Nicholas Giardino

Edgar Ladouceur

Robin Coia

Karl Swanson

E. Patrick Luther

Adelita Orefice

Not In attendance: Timothy Byrne

Introductions of Board members were made to the Director, Adelita Orefice. There was a Quorum.

Adelita Orefice, Director of the Department of Labor and Training addressed the Board.

The Director would like to have vacancies filled for the Workforce Development office, and the Trade Occupation Boards at the Department of Labor and Training, with the first Board being the Hoisting Board. The Director would like to have reappointments and vacancies filled first. She would like to advertise in the Trade for these positions that will be posted. Once resumes are submitted, there will be a review of the resumes with the Board to determine the best candidate and give other Board members a chance to resign, if they desire, or be re-elected to the Board, and also have an opportunity to recruit other people. Once resumes are submitted and reviewed, and the candidate chosen, there will be specific training to each trade and an all around training for everyone with regard to ethics and closure rules of the Board, including refresher courses for professional development, with the purpose to specifically hold better hearings across the boards and to have the Boards be consistent. Director and the boards will be looking at people who are motivated to serve, who are qualified and there will be participation from the Boards to look at applications and see who would be best qualified for the position. She is also looking for appropriate use of the Executive section to go into the minutes. She is looking to fill vacancies for expired terms and regular vacancies that currently exist on the Boards. Director suggested that her door is always open for

suggestions.

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Mr. Joseph Sabitoni called the meeting to order at 8:40 am. There was a Quorum. There are two violations of Commerical Painting.

Hearing: Richard J. Levesque, Jr. – Violation #2885

Mr. Wayne Fagnoli of Commerical Painting and RIDLT Investigator E. Patrick Luther is present today and was sworn in by the Board stenographer.

Mr. Karl Swanson read the violation: On August 4, 2006, Chief Plumbing Investigator, E. Patrick Luther, visited the above-mentioned project and found Mr. Richard Levesque, an employee of Commercial Painting, Inc., working without OSHA 10-hour certification. This is one violation of RIGL 37-23-1 "Safety Awareness Program Required". Mr. Levesque was notified of this alleged violation.

Mr. Richard Levesque was not in attendance to represent himself. He was sent a hearing notice by certified and regular mail to appear before the Board. Mr. Levesque was an employee of Commerical Painting. Mr. Nicholas Giardino made a motion that based on the

testimony heard that a finding of fact has been made by the Board and that one violation of RIGL 37-23-1 "Safety Awareness Program Required" did occur and the motion was seconded by Edgar Ladouceur. All members voted in favor. Wayne Coulombe made a motion to uphold the fine of \$250.00 and Edgar Ladouceur seconded the motion. All members voted in favor. Commerical Painting was informed that a letter from the Director upholding the fine of \$250.00 will be sent to Mr. Levesque.

Hearing: Commerical Painting – Violation #2886

Mr. E. Patrick Luther read the violation: On August 4, 2006, Chief Plumbing Investigator, E. Patrick Luther, visited the above-mentioned project and found Mr. Richard Levesque, an employee of Commercial Painting, Inc., working without OSHA 10-hour certification. This is one violation of RIGL 37-23-1 "Safety Awareness Program Required". Mr. Levesque was notified of this alleged violation. Wayne Coulombe made a motion that based on the testimony heard; that a finding of fact has been made by the Board and that one violation of 37-23-1 "Safety Awareness Program Required" did occur and the motion was seconded by Edgar Ladouceur. All members voted in favor. Edgar Ladouceur made a motion to uphold the fine of \$950 and Bernard Trembl seconded the motion. Commerical Painting will be receiving a letter from the Director upholding the fine of \$950.

A motion to close hearings was motioned by Joseph Sabitoni, Chair

and Nicholas Giardino seconded the motion. All members voted in favor.

Wayne Coulombe made a motion to re-visit/move to reopen the case violation of #2885 with regard to Richard Levesque, Jr. Robin Coia seconded the motion. Board members were in favor, Edgar Ladouceur opposed it. Wayne Coulombe made a motion that since Mr. Levesque was trained and got his card that the fine of \$250 be suspended for a period of one year. Eric Anderson seconded the motion. Nicholas Giardino and Edgar Ladouceur felt that the original fine should be upheld since Mr. Levesque should not have been working on the site without training and an OHSA card and Mr. Levesque was not at the meeting to represent himself. Mr. Fagnoli reported to the Board that Mr. Levesque was laid off and he had an opportunity to be present at the Board meeting.

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A motion was made by the majority of the Board members to uphold the decision of the Director to uphold the fine of \$250.00. Joseph Sabitoni, Chair reported that the hearing decision will carry. Mr. Richard Levesque, Jr. will be receiving a letter from the Director upholding the violation in the amount of \$250.00

There was no further business before the Board.

A motion to adjourn was made by Joseph Sabitoni, Chair at 9:05 AM,

seconded by Edgar Ladouceur. All members voted in favor.

The next Safety and Awareness Board meeting will be held on March 14, 2007 at 8:00 AM.

Respectively submitted by Elaine J. Heiss, February 14, 2007